

## REMARKS

The claims are 22 to 42.

In the Final Rejection, claims 22 to 26, 28, 30, 33 to 35 and 37 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Nolte et al. (U.S. 4,104,427) in view of Van Den Bergen '826.

Further, claims 28, 29, 36, 38 and 40 to 42 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Nolte et al. and Van Den Bergen '826 as applied above, and further in view of Takasi et al. (WO 98/36325).

Still further, claims 31 and 32 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Nolte et al. and Van Den Bergen '826 as applied to claim 1 above, and further in view of Takahashi (U.S. 4,126,593) and Wu et al. (U.S. 5,460,872).

These rejections are again respectfully traversed.

Nolte et al. is concerned with a specific laminate structure such as that of Figure 1 which comprises glass layers 1 and 2 sandwiching an intumescent layer 3.

The intumescent layer 3 is typically a hydrated metal salt as disclosed in column 3, lines 30 to 50.

In one embodiment of Nolte et al., the glass may be coated with a protective layer of plastic material which may be polymerized *in situ*, so that it is the plastic layer which contacts the intumescent material. See column 4, lines 17 to 25.

The rejection argues that it would be obvious to replace the intumescent material of Nolte et al. with the radiation curable intumescent material of Van Den Bergen since Van Den Bergen discloses that the intumescent material such as that proposed by Nolte et al. is inferior because additives can migrate through the coating to the surface which can lead to blooming because additives may discolor the composition.

The Final Rejection relies on page 2, lines 1 to 5 of Van Den Bergen but this discussion is not relevant to Nolte et al.'s inorganic intumescent materials. In the materials of Nolte et al. there is no issue about blooming or discoloration so there is no need to replace them for such purpose.

The Final Rejection also relies on Van Den Bergen's disclosure at page 26, lines 12 and 13 and page 45, lines 4 and 5, but again, this has nothing to do the deficiencies of the intumescent material of Nolte et al.

Thus, it is not clear why one of ordinary skill in the art would replace the inorganic materials of Nolte et al. with the radiation curable intumescent resin compositions of Van Den Bergen for any reason whatsoever.

This rejection is clearly based on an improper hindsight reconstruction of the present claims.

There is nothing in Takasi et al., Takahashi or Wu et al. which is relevant to or which provides motivation to replace the inorganic intumescent material of Nolte et al. with that of Van Den Bergen.

There is also no suggestion or motivation to replace the protective layers of Nolte et al. with the polymers of the secondary references nor would this lead to the presently claimed laminate, composition or method for the production thereof.

In the Final Rejection, claims 27 and 39 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Nolte et al. in view of Vollkommer et al. (U.S. 4,128,709).

This rejection is also respectfully traversed.

Vollkommer et al. relates to flame-retardant polymers but is not apparent why one of ordinary skill in the art would be motivated to replace the inorganic flame-retardant materials of Nolte et al. with the flame-retardant polymers of Vollkommer et al.

The Final Rejection makes reference to Vollkommer et al. teaching replacing protective plastic layers with radiation curable pentabromobenzylacrylate to prevent oxides from chalking out of the coating, however, there are no oxides in the protective layers of Nolte et al. so Vollkommer et al.'s teachings are completely irrelevant to any modification of Nolte et al.


For the foregoing reasons, the rejections on prior art are untenable and should be withdrawn.

No further issues remaining, allowance of this application is respectfully requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact undersigned at the telephone number below.

Respectfully submitted,

Hugues VAN DEN BERGEN et al.

By:   
Matthew M. Jacob  
Registration No. 25,154  
Attorney for Applicants

MJ/aas  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
July 7, 2008